

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:15-cv-00573-MR-DLH**

**JAMES EDWARD BRACEY,**

**Plaintiff,**

**vs.**

**NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 10]; the Defendant's Motion for Summary Judgment [Doc. 12]; and the Magistrate Judge's Memorandum and Recommendation [Doc. 14] regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the pending motions in the above-captioned action and to submit to this Court a recommendation for the disposition of these motions.

On February 27, 2017, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 14] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the motions [Docs. 10, 12]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

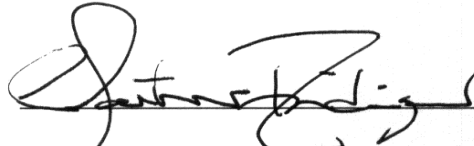
After a careful review of the Magistrate Judge's Memorandum and Recommendation [Doc. 14], the Court finds that the proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that this case be remanded for further proceedings.

**IT IS, THEREFORE, ORDERED** that the Magistrate Judge's Memorandum and Recommendation [Doc. 14] is **ACCEPTED**; the Plaintiff's Motion for Summary Judgment [Doc. 10] is **GRANTED**; the Defendant's Motion for Summary Judgment [Doc. 12] is **DENIED**; and this matter is hereby **REMANDED** for further proceedings consistent with the Magistrate Judge's Memorandum and Recommendation.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

**IT IS SO ORDERED.**

Signed: March 14, 2017

  
Martin Reidinger  
United States District Judge

